

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

CONNIE McGIRR, <i>et al.</i>,	:	
	:	
Plaintiffs,	:	Civil Action No. 1:16-cv-464
	:	Judge Robert H. Cleland
	:	
v.	:	
	:	
THOMAS F. REHME, <i>et. al.</i>,	:	
	:	
Defendants.	:	

**AGREED JUDGMENT ENTRY
AND PERMANENT INJUNCTION**

The parties hereby stipulate and agree as follows:

A. In approximately April 2002, defendant Waite Schneider Bayless & Chesley Co., L.P.A. (“WSBC”) received payment in the case of *Darla Guard v. A.H. Robins Co.*, Civil Action Number 98-CI-795, Boone Circuit Court, Boone County, Kentucky (“the *Guard* Case”).

B. The Kentucky Supreme Court later determined that WSBC received, as part of its fee in the *Guard* Case, \$7,555,000.00 to which WSBC was not entitled. *Kentucky Bar Association v. Stanley M. Chesley*, Case No. 2011-SC-000382-KB.

C. The parties consent to the entry of a judgment against WSBC for unjust enrichment by virtue of the foregoing overpayment of fees

D. The parties further agree that the unjust enrichment to WSBC shall include interest of 6% compounded annually based on the Kentucky pre-judgment interest rate.

E. The amount owed by WSBC to plaintiffs for unjust enrichment including interest is \$19,192,356.98.

F. The parties further consent to an injunction against WSBC and Thomas F. Rehme and Thomas F. Rehme, Trustee Inc. and any successors in interest, (collectively “Rehme”)

expressly precluding either WSBC or Rehme from making any assignments, disbursements, distributions, or transfers of money or assets of WSBC to Stanley M. Chesley (“Chesley”), or to Chesley’s agents or assigns, resulting in the transfer of money or assets to Chesley or his family members or their related entities.

Based on the foregoing, the Court finds that good cause exists to enter the following Judgment:

1. Judgment shall be, and hereby is, entered in favor of the plaintiffs against defendant WSBC for unjust enrichment, plus interest, in the aggregate amount of \$19,192,356.98.

2. Defendants WSBC and Rehme shall be, and hereby are, enjoined from (a) making any assignments, disbursements, distributions, or transfers of money or assets of WSBC to Chesley, or to Chesley’s agents or assigns, resulting in the transfer money or assets to Chesley or his family members or their related entities; or (b) making any disbursements, distributions, or payments to Chesley on account of his beneficial interest in WSBC. In the event Defendants WSBC and/or Rehme receive any asset, including cash and future payment of fees that are not included in Paragraph 8 of the Settlement Agreement and Mutual Release between Defendants WSBC and Rehme and Plaintiffs, those assets, fee payments or cash shall belong to Plaintiffs and be deposited with the Clerk of Courts until further order of this Court.

3. The Clerk of Courts is hereby directed to distribute the \$1,935,161.10 being held in this case to Peter L. Ecabert, Esq., escrow agent, at 838 Euclid Avenue, Suite 406, Lexington, Kentucky 40502, which shall then be distributed pursuant to the terms of the parties’ escrow agreement.

4. The funds owed to WSBC on account of the Rocky Flats case totaling \$7,000,576.24 shall be paid to Peter L. Ecabert, Esq., escrow agent, at 838 Euclid Avenue, Suite 406, Lexington, Kentucky 40502, which shall then be distributed pursuant to the terms of the parties' escrow agreement.

5. The funds owed to WBSC from the Castano Directed Distribution Trust totaling \$3,244,140 shall be paid to Peter L. Ecabert, Esq., escrow agent, at 838 Euclid Avenue, Suite 406, Lexington, Kentucky 40502, which shall then be distributed pursuant to the terms of the parties' escrow agreement.

6. The funds in the possession of the Court appointed receiver totaling \$38,867.62 shall be paid to Peter L. Ecabert, Esq., escrow agent, at 838 Euclid Avenue, Suite 406, Lexington, Kentucky 40502, which shall then be distributed pursuant to the parties' escrow agreement.

7. WBSC and Rehme shall irrevocably assign, without recourse, all remaining payments due to WBSC or Chesley from the Castano Directed Distribution Trust and shall cooperate with plaintiffs' counsel in executing the documents necessary to effectuate the assignment. If Plaintiffs elect to monetize the future Castano payments, WBSC and Rehme shall cooperate with Plaintiffs' counsel in executing the documents necessary to effectuate the sale, transfer or assignment of the future Castano payments to a third party.

8. The Court's Order Denying Plaintiffs' Motion for Temporary Restraining Order and Granting Preliminary Injunction entered April 21, 2017 (Doc. 113) is modified as reflected in paragraph 2 of this Order.

9. The Court's Opinion and Order Appointing Receiver and Setting Terms of Receivership entered August 3, 2018 (Doc. 193) is vacated.

10. All remaining asserted claims, counterclaims, and defenses between and among settling plaintiffs, WSBC, and Rehme shall be, and hereby are, dismissed without prejudice but the Court retains jurisdiction over the parties to enforce the provisions of this Order and to enforce the injunction in paragraph 2. The Court also retains jurisdiction over any issues that may arise related to the parties settlement and escrow agreements.

IT IS SO ORDERED.

S/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: October 3, 2018

I hereby certify that a copy of the foregoing document was mailed to counsel of record and/or pro se parties on this date, October 3, 2018, by electronic and/or ordinary mail.

S/Lisa Wagner
Case Manager and Deputy Clerk
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